

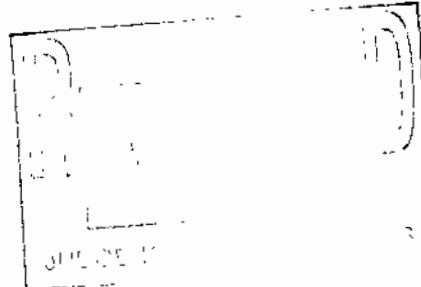
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May 16, 2008



BY HAND

JONATHAN D LUPKIN

Honorable Lewis A. Kaplan  
United States District Court  
Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1310  
New York, New York 10007

Re: Amusement Industry, Inc., dba Westland Industries and Practical Finance Co., Inc., v. Moses Stern aka Mark Stern, Joshua Safrin, First Republic Realty LLC, Land Title Associates Escrow (07 CV 11586) (LAK) (GWG)

Dear Judge Kaplan:

This firm represents defendant Joshua Safrin in the above-referenced action. I am writing to request relief from the Court's extant Scheduling Order to permit us to file and serve an "as a matter of course" amended third party complaint.

On May 1, 2008, the deadline for the joinder of parties set by the Court's March 5, 2008 scheduling order, as amended (the "Scheduling Order"), this firm filed five (5) third party summonses and a third party complaint. The third party complaint adds five (5) new parties and asserts crossclaims against Mr. Safrin's original co-defendants and counterclaims against the plaintiffs. All of the new parties have been served with process. Since that time, we have reviewed the third party complaint and would like to amend the pleading to make several technical changes and correct a small number of typographical errors. For the Court's convenience, I have enclosed a copy of the proposed amendment (without exhibits), redlined to show the contemplated changes in the pleading.

Pursuant to Fed. R. Civ. P. 15(a)(1), Safrin would be permitted to amend his pleading "as a matter of course" because he has not yet been served with a responsive pleading. However, because the Scheduling Order set May 1, 2008 as the deadline for the amendment of pleadings, I am reluctant to proceed as of right without first receiving guidance from the Court in the form of relief from the Court's May 1 amendment deadline.

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For the foregoing reasons, we respectfully request that the Court relieve Safrin from the May 1 deadline for the amendment of pleadings and permit him to file and serve the amended third party complaint in the form enclosed herewith.

We thank the Court in advance for its consideration of this request.

Respectfully,

Jonathan D. Lupkin

Enclosure

cc: All Counsel of Record (via email)(w/enclosure)

Third Party Defendants *Pro Se* Buchanan Ingersoll & Rooney, P.C.  
and Stephen Friedman

Attn: Elliot J. Blumenthal, Esq. (via email)(w/enclosure)

Stephen P. Stern, Esq. (counsel for third party defendant

First Republic Group Corp.)(via email)(w/enclosure)

Philip R. White, Esq. (counsel for third party defendants Steven Alevy and  
Bankers Capital Realty Advisors LLC)(via email)(w/enclosure)

SO ORDERED

LEWIS A. KAPLAN, USDC